

TRANSPORTATION DEPARTMENT[761]**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation, on January 12, 2010, adopted amendments to Chapter 601, “Application for License,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the December 2, 2009, Iowa Administrative Bulletin as **ARC 8342B**. These amendments were also Adopted and Filed Emergency, effective December 21, 2009, and were published in the December 2, 2009, Iowa Administrative Bulletin as **ARC 8339B**.

The REAL ID Act of 2005, 49 U.S.C. § 30301 note, as further defined in 6 CFR Part 37, provides that states must meet certain requirements in the issuance, reissuance, and renewal of driver’s licenses and nonoperator’s identification cards used to access federal facilities and federally regulated aircraft. These requirements include specific application and documentation requirements set forth at 6 CFR 37.11, including but not limited to documentation of identity, date of birth, social security number, address of principal residence, and evidence of lawful status in the United States. These requirements also include specific verification of documents and information provided, as well as mandatory facial image capture for all applicants for REAL ID-compliant driver’s licenses and nonoperator’s identification cards. These amendments confirm that all applicants for REAL ID-compliant driver’s licenses and nonoperator’s identification cards must meet all lawful requirements for an Iowa driver’s license or nonoperator’s identification card, as well as all federal requirements for a REAL ID-compliant document, and are necessary to establish the state of Iowa’s compliance with the REAL ID Act of 2005.

The Department shall not grant any waivers under the provisions of these amendments since the amendments are needed to comply with the REAL ID Act of 2005, 49 U.S.C. § 30301 note, as further defined in 6 CFR Part 37.

One change was made from the Notice of Intended Action and the Adopted and Filed Emergency. Item 3 was added to amend the implementation sentence for 761—Chapter 630.

These amendments are intended to implement Iowa Code chapter 321, the REAL ID Act of 2005 (49 U.S.C. § 30301 note), and 6 CFR Part 37.

These amendments will become effective March 17, 2010, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

Rule-making actions:

ITEM 1. Adopt the following new rule 761—601.7(321):

761—601.7(321) REAL ID driver’s license. A person who seeks a driver’s license that is compliant with the REAL ID Act of 2005, 49 U.S.C. § 30301 note, as further defined in 6 CFR Part 37 (“REAL ID driver’s license”), must meet and comply with all lawful requirements for an Iowa driver’s license, and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence, and evidence of lawful status in the United States. Documents and information provided to fulfill REAL ID requirements must be verified as required in 6 CFR 37.13. An applicant for a REAL ID driver’s license is subject to a mandatory facial image capture that meets the requirements of 6 CFR 37.11(a). A REAL ID driver’s license may not be issued, reissued, or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued, or renewed by any procedure, in any circumstance, to any person, or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID driver’s license must include all information and markings required by 6 CFR 37.17. Nothing in this rule requires a person to obtain a REAL ID driver’s license.

This rule is intended to implement Iowa Code chapter 321, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

ITEM 2. Adopt the following **new** subrule 630.2(7):

630.2(7) A person who seeks a nonoperator's identification card that is compliant with the REAL ID Act of 2005, 49 U.S.C. § 30301 note, as further defined in 6 CFR Part 37 ("REAL ID nonoperator's identification card"), must meet and comply with all lawful requirements for an Iowa nonoperator's identification card, and must also meet and comply with all application and documentation requirements set forth at 6 CFR Part 37, including but not limited to documentation of identity, date of birth, social security number, address of principal residence, and evidence of lawful status in the United States. Documents and information provided to fulfill REAL ID requirements must be verified as required in 6 CFR 37.13. An applicant for a REAL ID nonoperator's identification card is subject to a mandatory facial image capture that meets the requirements of 6 CFR 37.11(a). A REAL ID nonoperator's identification card may not be issued, reissued, or renewed except as permitted in 6 CFR Part 37 and may not be issued, reissued, or renewed by any procedure, in any circumstance, to any person, or for any term prohibited under 6 CFR Part 37. The information on the front of any REAL ID nonoperator's identification card must include all information and markings required by 6 CFR 37.17. Nothing in this subrule requires a person to obtain a REAL ID nonoperator's identification card.

ITEM 3. Amend **761—Chapter 630**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 321.189, 321.190, 321.192, 321.195, 321.216, 321.216A, 321.216B and 321.216C, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note) and 6 CFR Part 37.

[Filed 1/15/10, effective 3/17/10]

[Published 2/10/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/10/10.